

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(e) **RETURN OF MISSPENT GRANT FUNDS.**—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

#### **SEC. —105. INTELLIGENCE SHARING.**

(a) **INTELLIGENCE SHARING.**—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) **INFORMATION SHARING ANALYSIS CENTER.**—

(1) **ESTABLISHMENT.**—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the “ISAC”) established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) **PUBLIC TRANSPORTATION AGENCY PARTICIPATION.**—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

#### **SEC. —106. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.**

(a) **GRANTS AUTHORIZED.**—The Secretary of Homeland Security, in consultation with the Federal Transit Administration, shall award grants to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) **USE OF FUNDS.**—Grants awarded under subsection (a) may be used to—

(1) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(2) research imaging technologies;

(3) conduct product evaluations and testing; and

(4) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) **REPORTING REQUIREMENT.**—Each entity that receives a grant under this section shall report annually to the Department of Homeland Security on the use of grant funds received under this section.

(d) **RETURN OF MISSPENT GRANT FUNDS.**—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee shall return any amount so used to the Treasury of the United States.

#### **SEC. —107. REPORTING REQUIREMENTS.**

(a) **SEMI-ANNUAL REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than March 31 and September 30 of each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) **CONTENTS.**—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections — 103 through 106;

(B) the amount of funds appropriated to carry out the provisions of each of sections — 103 through 106 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) **ANNUAL REPORT TO GOVERNORS.**—

(1) **IN GENERAL.**—Not later than March 31 of each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) **CONTENTS.**—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

#### **SEC. —108. AUTHORIZATION OF APPROPRIATIONS.**

(a) **CAPITAL SECURITY ASSISTANCE PROGRAM.**—There are authorized to be appropriated \$2,370,000,000 for fiscal year 2007 to carry out the provisions of section —104(a), which shall remain available until expended.

(b) **OPERATIONAL SECURITY ASSISTANCE PROGRAM.**—There are authorized to be appropriated to carry out the provisions of section —104(b)—

(1) \$534,000,000 for fiscal year 2007;

(2) \$333,000,000 for fiscal year 2008; and

(3) \$133,000,000 for fiscal year 2009.

(c) **INTELLIGENCE.**—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section —105.

(d) **RESEARCH.**—There are authorized to be appropriated \$130,000,000 for fiscal year 2007 to carry out the provisions of section —106, which shall remain available until expended.

#### **SEC. —109. SUNSET PROVISION.**

The authority to make grants under this title shall expire on October 1, 2009.

#### **TITLE —IMPROVED RAIL SECURITY**

##### **SEC. —201. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This title may be cited as the “Rail Security Act of 2006”.

(b) **TABLE OF CONTENTS.**—The table of contents for this title is as follows:

Sec. —201. Short title; table of contents.

Sec. —202. Rail transportation security risk assessment.

Sec. —203. Systemwide AMTRAK security upgrades.

Sec. —204. Fire and life-safety improvements.

Sec. —205. Freight and passenger rail security upgrades.

Sec. —206. Rail security research and development.

Sec. —207. Oversight and grant procedures.

Sec. —208. AMTRAK plan to assist families of passengers involved in rail passenger accidents.

Sec. —209. Northern border rail passenger report.

Sec. —210. Rail worker security training program.

Sec. —211. Whistleblower protection program.

Sec. —212. High hazard material security threat mitigation plans.

Sec. —213. Memorandum of agreement.

Sec. —214. Rail security enhancements.

Sec. —215. Public awareness.

Sec. —216. Railroad high hazard material tracking.

Sec. —217. Authorization of appropriations.

##### **SEC. —202. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.**

(a) **IN GENERAL.**—

(1) **VULNERABILITY AND RISK ASSESSMENT.**—The Secretary of Homeland Security shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a vulnerability and risk assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities describe in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

(B) identification and evaluation of critical assets and infrastructures;

(C) identification of vulnerabilities and risks to those assets and infrastructures;

(D) identification of vulnerabilities and risks that are specific to the transportation of hazardous materials via railroad;

(E) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) **RECOMMENDATIONS.**—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(3) **PLANS.**—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal government to provide increased security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—